

6. Defendant Sallie Mae, Inc. (“Sallie”), is a Virginia business entity with an address of 12061 Bluemont Way, Reston, Virginia 20190 and is a “person” as defined by 47 U.S.C. § 153(10).

FACTS

7. Within the last year, Sallie contacted Plaintiff by placing calls and text messages to Plaintiff’s cellular phone using an automated telephone dialer system with an artificial or prerecorded voice (hereafter “Robocalls”).

8. Each of the Robocalls and text messages contained a message regarding a student loan previously disputed by Plaintiff, because Plaintiff’s signature was forged as the co-signer to the Debtor who originally took out the loan.

9. Sallie sent up to six text messages daily to Plaintiff, each text message would be followed by a series of Robocalls. Plaintiff had not provided his cellular telephone to Sallie, and has not given them permission to Robocall him.

A. Plaintiff Suffered Actual Damages

10. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendants’ unlawful conduct.

11. As a direct consequence of the Defendant’s acts, practices and conduct, the Plaintiff suffered and continues to suffer from anger, anxiety and frustration.

COUNT I

VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT – 47 U.S.C. § 227, et seq.

12. The Plaintiff incorporates by reference all of the above paragraphs of this Amended Complaint as though fully stated herein.

13. Without prior consent the Defendant contacted the Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone or pager in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

14. Plaintiff either never provided express consent to Defendant or the Creditor to call his cellular telephone number, or Plaintiff revoked his consent to be contacted by Defendant on his cellular telephone by his repeated demands to cease calling his cellular telephone.

15. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

16. Each of the aforementioned calls made by Defendant constitutes a negligent or intentional violation of the TCPA, including each of the aforementioned provisions of 47 U.S.C. § 227, *et. seq.*

17. As a result of each of Defendant’s negligent violations of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. The foregoing acts and omissions of the Defendant constitute numerous and multiple violations of the Telephone Consumer Protection Act, including every one of the above-cited provisions.

19. The Plaintiff is entitled to damages as a result of the Defendant’s violations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages for each violation, pursuant to 47 U.S.C. § 227(b)(3)(B) & (C);
2. Attorney’s costs and fees; and

3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: October 29, 2013

Respectfully submitted,

By: /s/ Ruth M. Allen

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Certificate of Service

I hereby certify that on October 29, 2013, a true and correct copy of the foregoing Amended Complaint was served electronically by the U.S. District Court Middle District of North Carolina Document Filing System (ECF) and that the document is available on the ECF system.

By /s/ Ruth M. Allen

Ruth M. Allen